

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONTEREY BAY MILITARY HOUSING, LLC, et al.,

Plaintiffs,

-v-

AMBAC ASSURANCE CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 9193 (PGG) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the conference held today, August 1, 2023 (the “Conference”), the Court orders as follows:

1. The motion of Jones Lang LaSalle Americas, Inc. (“JLL”) for leave to file a motion for cost-sharing related to JLL’s compliance with Defendants’ demands for non-party discovery is DENIED WITHOUT PREJUDICE. Using the guidance the Court provided during the Conference, JLL and Defendants shall meet and confer regarding a reasonable amount of reimbursement to JLL for the costs and attorneys’ fees it incurred in complying with subpoenas from Defendants. By **September 1, 2023**, JLL and Defendants shall file a joint letter on the docket providing a status update on their efforts to come to agreement on reimbursement to JLL.
2. The motions of the Jefferies Entities to compel the United States Air Force (the “Air Force”) (ECF No. 709), and of Ambac Assurance Corporation (“Ambac”) to compel the United States Army (the “Army”) (ECF Nos. 712–13), to produce witnesses for Federal Rule of Civil Procedure 30(b)(6) depositions are GRANTED IN PART and DENIED IN PART, as follows:

- a. The Jefferies Entities may take a Rule 30(b)(6) deposition of the Air Force limited to 3.5 hours of on-the-record time regarding the four Air Force MHPI projects between 2005 and 2009 with respect to the following topics:
 - i. Misrepresentations the Air Force contends Defendants made to the Air Force in connection with the four Air Force MHPI projects;
 - ii. The process and considerations the Air Force employed in selecting lenders for the four Air Force MHPI projects;
 - iii. Whether the Air Force perceived Mr. Ray, GMAC, Capmark, or other entity with whom Mr. Ray was employed, as a “financial advisor”; and
 - iv. Whether the Air Force approved the filing of this action, which calls for a “yes” or “no” answer.
- b. Ambac may take a Rule 30(b)(6) deposition of the Army limited to 4.5 hours of on-the-record time regarding the twelve Army MHPI projects between 2002 and 2012 with respect to the following topics:
 - i. The process and criteria the Army employed in selecting for the twelve Army MHPI projects: (1) lenders, (2) developers, and (3) credit enhancement;
 - ii. Whether the Army perceived Mr. Ray, GMAC, Capmark, or other entity with whom Mr. Ray was employed, as a “financial advisor”; and
 - iii. Whether the Army approved the filing of this action, which calls for a “yes” or “no” answer.

- c. By **August 15, 2023**, the Air Force and the Army shall each disclose to Defendants the identifies of their respective witnesses who will sit for the Rule 30(b)(6) depositions.
 - d. No later than two weeks before each respective Rule 30(b)(6) deposition, Defendants shall provide to counsel for the Air Force and the Army a set of exhibits about which the witness may be questioned, without prejudice to (i) Defendants' ability to introduce additional exhibits at the deposition; and (ii) any objections the Air Force or the Army may have to the use of any exhibit at the deposition.
 - e. By **October 2, 2023**, both Rule 30(b)(6) depositions shall be completed. By **October 6, 2023**, the parties shall file a joint letter on the docket advising the Court of the completion of the two depositions.
 - f. The motions of the Jefferies Entities and Ambac are otherwise DENIED.
3. The parties shall order a transcript of the Conference and file it on the docket. By **August 3, 2023**, the parties shall complete the annexed transcript request form and submit one request to etranscripts@nysd.uscourts.gov.

The Clerk of Court is respectfully directed to close ECF Nos. 709, 712, and 713.

Dated: New York, New York
August 1, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Request for the production of a transcript from an electronic recording

Send one request per completed form to:

etranscripts@nysd.uscourts.gov

Transcripts from an electronic record are generated by a Court Approved Transcriber, NOT the Southern District Court Reporters. The transcript will be delivered to your office and you will be invoiced directly by the transcriber. Submission of this form constitutes an agreement to pay for the transcription services described herein. This form should not be submitted for the purpose of obtaining a price estimate.

NOTE: CJA requests require prior approval by submitting an Auth-24 document in the CJA eVoucher System. If granted, the attorney then submits the etranscripts order form (indicate CJA Request). Upon notification from the transcriber, the attorney will create a CJA 24 Voucher in the eVoucher system.

Today's Date: _____

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